

The 1995 Rulemaking Clearly Contemplated A National-Only Radio Service. Based upon the SDARS proponents' promises of a unique and complementary radio service, in June 1995 the FCC issued a Notice of Proposed Rulemaking.

Specifically, the

Commission stated that the public interest could be served because: By offering a nationally based service, SDARS providers could target niche areas that have not been served by traditional radio but now could be served as an aggregate national audience. Such specialized programming could include foreign language programming, music formats not carried by radio broadcasts, and programming geared to children or senior citizens

The Commission also made two initial findings. First, terrestrial broadcasters would not

"necessarily" be adversely affected by the introduction of "30 or more channels of national

digital audio programming"¹¹ because, unlike SDARS, terrestrial broadcasting "has the ability to

provide local public affairs programming, local news and weather, local traffic reports and local

personalities."¹² Second, "[the FCC] believe[s] that even with spot beams, local news, weather,

traffic and public affairs programming could not practically be provided via satellite DARS.³

Thus, the Commission did not believe that it would be technologically feasible for SDARS to

provide local programming.

The SDARS are now going back on their promise. The commission should let local broadcasters provide the local service and let SDARS do what they do, provide national content.